

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES BARNEY,

Petitioner,

Case Number: 2:03-CV-72453

HONORABLE JOHN CORBETT O'MEARA

v.

PAUL RENICO,

Respondent.

ORDER (1) GRANTING PETITIONER'S MOTION TO LIFT STAY;
(2) DIRECTING CLERK OF COURT TO REOPEN PROCEEDINGS;
(3) REQUIRING PETITIONER TO FILE AN AMENDED PETITION;
AND (3) REQUIRING RESPONSIVE PLEADING

This is a habeas case under 28 U.S.C. § 2254. Petitioner James K. Barney is a state inmate currently incarcerated at the Chippewa Correctional Facility in Kincheloe, Michigan. In 2003, Petitioner filed a petition for a writ of habeas corpus in this Court, challenging his convictions for second-degree murder, assault with intent to commit murder, two counts of assault with intent to do great bodily harm, conspiracy to commit murder, and possession of a firearm during the commission of a felony. The Court stayed the proceedings to allow Petitioner to exhaust his state court remedies and administratively closed the matter. Petitioner has now filed a motion to lift the stay.

In his motion, Petitioner states that he has exhausted his state court remedies by completing collateral review in state court. Based upon the representations made in the motion, the Court will reopen this matter. However, because the Court cannot determine

whether Petitioner complied with the terms set forth in the Court's order granting the stay, the Court will reopen the proceeding without prejudice to Respondent's right to raise a claim asserting non-compliance with the Court's order.

Accordingly, the Court GRANTS Petitioner's Motion to Lift Stay and Reopen Case [dkt. #37] and the Clerk of Court is directed to REOPEN this matter. Further, the Court ORDERS Petitioner to file an amended petition within SIXTY DAYS from the date of this Order.

The Court further ORDERS Respondent to file an answer responding to the allegations of the petition in accordance with Rule 5, Rules Governing Section 2254 Cases, within NINETY DAYS of the filing of an amended petition.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: August 20, 2014

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 20, 2014, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager